

REMARKS

Claims 1-14, 16-18 and 20-41 are pending in the above application. By the above amendment, claims 26-41 have been added.

The Office Action dated April 19, 2007, has been received and carefully reviewed. In that Office Action, claims 1-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Onishi, and claims 1-14 and 23-25 were rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita. In addition, claims 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi and also as being unpatentable over Yamashita. It is believed that the pending claims distinguish over the references of record, and reconsideration and allowance of claims 1-14, 16-18 and 20-41 is respectfully requested in view of the above amendments and the following remarks.

REJECTIONS UNDER 35 U.S.C. 102(b) BASED ON ONISHI

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 1 includes a limitation directed to a plurality of closed spaces. Applicant has previously argued, at length, that the word "closed" does not have the meaning given to it by the examiner. Contrary to the statement in the "Response to Arguments" section of the Office Action, the panel decision from pre-appeal brief does not "confirm the examiner's interpretation of the phrase 'closed space'." The decision merely indicates that at least one issue existed for determination by the Board of Appeals when the Notice of Appeal was filed. The meaning of the word "closed" will be argued again if a second Notice of Appeal becomes necessary, and Applicant maintains all arguments previously presented on this issue.

Despite this different meaning, claim 1 has been amended to advance the prosecution of this application, and this amendment further distinguishes over Onishi and may render the above issue moot. Claim 1 as amended recites that the number of closed spaces near an edge of the element body is greater than the number in a central portion of the element body. This may be seen, for example, in Figure 3 of the present application. This arrangement is not shown in Ohishi. In fact, in Onishi, a plurality of open spaces appear to be distributed evenly across the width of element 4. Claim 1 as amended is submitted to be allowable over Onishi for at least this

reason.

Claims 2-7 and 23 depend from claim 1 and are submitted to be allowable over Onishi for at least the same reasons as claim 1.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 8 has also been amended to further define a distribution of closed spaces in an element body, namely that the number of closed spaces is greater near an edge of the element body near a radiation source than in a central portion of the element body. At least this limitation is not shown or suggested by Onishi, and claim 8 is submitted to be allowable over Onishi for at least this reason.

Claims 9-14 and 24 depend from claim 8 and are submitted to be allowable for at least the same reasons as claim 8.

REJECTIONS UNDER 35 U.S.C. 102(b) BASED ON YAMASHITA

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita. Yamashita discloses a light guide that includes closed spaces having different refractive indices. As illustrated in Figures 1 and 2 of Yamahsita, however, the number of these closed spaces is greater in the central portion of the light guide than near an edge near a light source. Claim 1 recites that the number of closed spaces in a central portion is less than a number near an edge near a radiation source. Yamahsita therefore does not show this limitation and in fact teaches away from the invention of amended claim 1. Claim 1 as amended is submitted to be allowable over Yamashita for at least this reason.

Claims 2-7 and 23 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita. Claim 8 has also been amended to recite that a number of closed spaces is greater near an edge of the element body near a radiation source than in a central portion of the element body. This is not shown or suggested by Yamashita. Claim 8 as amended is therefore submitted to be allowable over Yamashita for at least this reason.

Claims 9-14 and 24 depend from claim 8 and are submitted to be allowable for at least the same reasons as claim 8.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 25 has been amended to recite that in the element body having a plurality of closed spaces, the number of closed spaces is greater near an edge of the element body near the radiation source than in a central portion of the element body. Claim 25 is submitted to be allowable over Onishi for at least the same reasons as claim 1.

REJECTIONS UNDER 35 U.S.C. 103(a) BASED ON ONISHI

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi. Claim 20 recites a method that includes a step of providing a first member having a first electric permittivity and a second member having a second permittivity generally equal to the first electric permittivity, wherein a plurality of recesses are formed in a surface of at least one of the first member and the second member, the number of recesses being greater near an edge of the element body near the radiation source than in a central portion of the element body. Ohishi shows a relatively even distribution of openings and does not show or suggest the distribution recited in claim 20. Claim 20 as amended is submitted to patentably distinguish over Onishi for at least this reason.

Claims 21, 22 and 16-18 depend from claim 20 and are submitted to be allowable for at least the same reasons as claim 20.

REJECTIONS UNDER 35 U.S.C. 103(a) BASED ON YAMASHITA

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita. As discussed above in connection with the rejection of claim 20 based on Onishi, amended claim 20 recites a distribution of recesses that is not shown or suggested by the art of record, including Yamashita. Claim 20 as amended is submitted to be allowable over Yamashita for at least this reason.

Claims 21, 22 and 16-18 depend from claim 20 and are submitted to be allowable for at least the same reasons as claim 20.

NEW CLAIMS

New claim 26 is also submitted to be allowable over Onishi and Yamashita. Claim 26 recites a surface radiation conversion element including an element body comprising a first member having a radiation source disposed on a side thereof and a second member disposed on the radiation surface side in close adhesion with the first member, with closed spaces being formed in the first member and in said second member. Neither Onishi nor Yamashita shows or suggests a surface radiation conversion element with first and second members both having closed spaces as recited in claim 26. Claim 26 is submitted to be allowable over the art of record for at least this reason.

Claims 27-31 depend from claim 26 and are submitted to be allowable for at least the same reasons as claim 26. Claim 27 further distinguishes over the art of record by reciting that some of the closed spaces in the first member are aligned with at least some of the closed spaces in the second member. An example of this arrangement is illustrated, for example, in Figures 9 and 10. Claim 28 further distinguishes over the art of record by reciting that some of the closed spaces in the first member overlap some of the closed spaces in the second member. Claim 29 further distinguishes over the art of record by reciting that some of the closed spaces in the second member are offset from all closed spaces in the first member. These limitations further distinguish these dependent claims from the art of record.

New claim 32 and its dependent claims 33-37 are submitted to be allowable over the art of record at least the reasons provided above in connection with claims 26-31.

New claim 38 and its dependent claims 39-41 are submitted to be allowable over the art of record for at least the reasons provided above in connection with claims 26-31, specifically, based on the recitation of providing first and second members each having recesses formed therein.

CONCLUSION

Each issue raised in the Office Action dated April 19, 2007, has been addressed, and it is believed that claims 1-14, 16-18 and 20-41 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Application No. 10/787,188
Amendment dated July 16, 2007
Reply to Office Action of April 19, 2007

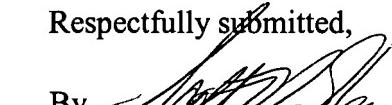
Docket No.: 1248-0934P

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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